



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/015,458

12/13/2001

Luis M. Ortiz

1000-1086

4602

64064

7590

02/03/2009

ORTIZ & LOPEZ, PLLC

P.O. BOX 4484

ALBUQUERQUE, NM 87196-4484

EXAMINER

YODER III, CHRISS S

ART UNIT

PAPER NUMBER

2622

MAIL DATE

DELIVERY MODE

02/03/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/015,458	Applicant(s) ORTIZ ET AL.	
	Examiner CHRISS S. YODER III	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/19/2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 127-175 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 127 and 175 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. The affidavit filed on November 19, 2008 under 37 CFR 1.131 has been considered, and is sufficient to overcome the Hardacker reference (US PGPub. 2002/0115454), with respect to **claims 127-133 and 138-175**. Therefore, Applicant's arguments with respect to claim 127-133 and 138-175 have been considered but are moot in view of the new ground(s) of rejection.

2. However, the affidavit is ineffective to overcome the Hardacker reference (US PGPub. 2002/0115454), with respect to **claims 134-137**.

Rule 131 (a) requires that the facts be offered which show "completion of the invention" prior to the effective date of the reference in order to establish prima facie a case of prior inventorship. The term "completion" is further defined by the requirement of subsection (b) of Rule 131 that the facts must establish either reduction to practice, or conception coupled with due diligence until an actual reduction to practice or the filing of the application. *In re Clarke*, 356 F.2d 987, 148 USPQ 665, 669 (C.C.P.A. 1966).

First, the evidence submitted is insufficient to establish a conception of the invention prior to the effective date of the Hardacker reference. While conception is the mental part of the inventive act, it must be capable of proof, such as by demonstrative evidence or by a complete disclosure to another. Conception is more than a vague idea of how to solve a problem. The requisite means themselves and their interaction must

Art Unit: 2622

also be comprehended. See *Mergenthaler v. Scudder*, 1897 C.D. 724, 81 O.G. 1417 (D.C. Cir. 1897).

Specifically, a 37 CFR 1.131 affidavit or declaration must establish possession of either the whole invention claimed or something falling within the claim (such as a species of a claimed genus), in the sense that the claim as a whole reads on it. In re Tanczyn, 347 F.2d 830, 146 USPQ 298 (CCPA 1965). However, neither the declaration nor the supporting documents particularly describe or illustrate all of the claimed elements (i.e., there is no support for the use cameras “within a race car competing within a car racing venue”).

Consequently, Applicant fails to overcome the effective date of the Hardacker reference (with respect to claims 134-137) because Applicant has not affirmatively demonstrated conception by establishing possession of the invention claimed.

Second, the evidence submitted fails to establish either reduction to practice, or conception coupled with due diligence until a subsequent actual reduction to practice or the filing of the application.

MPEP Section 715.07 provides “A conception of an invention, though evidenced by disclosure, drawings, and even a model, is not a complete invention under the patent laws, and confers no rights on an inventor, and has no effect on a subsequently granted patent to another, UNLESS THE INVENTOR FOLLOWS IT WITH REASONABLE DILIGENCE BY SOME OTHER ACT, such as an actual reduction to practice or filing an application for a patent. *Automatic Weighing Mach. Co. v. Pneumatic Scale Corp.*, 166 F.2d 288, 1909 C.D. 498, 139 O.G. 991 (1st Cir. 1909).”

Therefore, assuming arguendo that Applicant conceived of the claimed invention prior to the February 20, 2001 U.S. filing date of Hardacker, Applicant has still failed to establish due diligence coupled with a conception.

Applicant has provided no chronology of events regarding or accounting for any time periods (gaps/lapses) between Exhibit A and the subsequent actual reduction to practice or filing of the application (the present application, 10/015,458). MPEP section 2138.06 states that an applicant must account for the entire period during which diligence is required. *Gould v. Schawlow*, 363 F.2d 908, 919, 150 USPQ 634, 643 (CCPA 1966.) Section 2138.06 further provides that the period during which diligence is required must be accounted for by either affirmative acts or acceptable excuses. *Rebstock v. Flouret*, 191 USPQ 342, 345 (Bd. Pat. Inter. 1975); *Rieser v. Williams*, 225 F.2d 419, 423, 118 USPQ 96, 100 (CCPA 1958).

Consequently, Applicant fails to overcome the effective date of the Hardacker reference (with respect to claims 134-137) because neither the declaration nor the supplemental documentation establish facts necessary to demonstrate the required due diligence.

Based on the foregoing, in which Applicant has failed to demonstrate conception and/or due diligence, the previous grounds of rejection, with respect to claims 134-137, have been maintained.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 127-131, 133, 138-142, 144-148, 150-155, 157-161, 163-167, and 169-175 are rejected under 35 U.S.C. 102(e) as being anticipated by Verna (US Patent 6,681,398).**

4. In regard to **claim 127**, note Verna discloses a method for transmitting venue-based in-play camera views for display at authorized hand held device (column 3, lines 43-60, column 4, lines 36-52, and figure 1), said method comprising the steps of transmitting in-play camera views from at least one in-play camera located at an in-play camera location within an entertainment venue for viewing by handheld devices authorized to receive and process said in-play camera view (column 11, lines 18-32), processing said in-play camera view for display on displays associated with said hand held devices authorized to receive and process said in-play camera view (column 16, lines 16-65), and enabling display of said in-play camera view on said displays (column 16, lines 16-65).

5. In regard to **claim 128**, note Verna discloses recording a particular in-play camera view transmitted from said at least one in-play camera in response to user input

Art Unit: 2622

at a hand held device (column 15, lines 24-65, and column 19, lines 7-31; the user selected camera view is received and sent to storage).

6. In regard to **claim 129**, note Verna discloses storing a particular in-play camera view transmitted from said at least one in-play camera in response to user input at a hand held device (column 15, lines 24-65, and column 19, lines 7-31; the user selected camera view is received and sent to storage).

7. In regard to **claim 130**, note Verna discloses that the step of recording a particular in-play camera view transmitted from said at least one in-play camera further comprises the step of storing said particular in-play camera view within a memory in said hand held device (column 15, lines 24-65, and column 19, lines 7-31; the user selected camera view is received and sent to storage).

8. In regard to **claim 131**, note Verna discloses that said particular in-play camera view comprises an instant replay (column 7, lines 41-46).

9. In regard to **claim 133**, note Verna discloses that said venue comprises a sporting event (column 4, lines 36-52 and column 5, lines 40-56; the system is operated in a sporting facility, which is considered to include a racetrack).

10. In regard to **claim 138**, note Verna discloses a method for transmitting venue-based in-play camera views for display at a hand held device authorized to receive venue-based in-play camera views (column 3, lines 43-60, column 4, lines 36-52, and figure 1), said method comprising the steps of transmitting in-play camera views captured from at least one in-play camera located at an in-play camera location within an entertainment venue to enterprise equipment located at the entertainment venue

Art Unit: 2622

(column 5, lines 34-55, and figure 1; the video signals are sent from each camera to the selection system 140), processing said in-play camera views at said enterprise equipment for secure transmission to at least one hand held device authorized with at least one security code to receive and display video on a display screen associated with said at least one hand held device (column 10, lines 52-65; the video is encrypted and sent to the reviewing devices), and securely transmitting processed in-play camera views to at least one hand held device authorized with at least one security code to receive and display video on a display screen associated with said at least one hand held device (column 21, lines 55-67; the video is encrypted and sent to the reviewing devices, where it is decrypted).

11. In regard to **claim 139**, note Verna discloses receiving processed in-play camera views at a hand held device authorized with at least one security code to receive and display video on a display screen associated with said hand held device (column 14, lines 24-32, and column 16, lines 59-65), processing said in-play camera views for viewing on a display associated with said hand held device (column 16, lines 16-25), and displaying said processed in-play camera views on the display screen associated with said hand held device (column 16, lines 59-65).

12. In regard to **claim 140**, note Verna discloses recording a particular in-play camera received by said hand held device in response to a user input at said hand held device (column 15, lines 24-65, and column 19, lines 7-31; the user selected camera view is received and sent to storage).

Art Unit: 2622

13. In regard to **claim 141**, note Verna discloses storing a particular in-play camera received by said hand held device in response to a user input at said hand held device (column 15, lines 24-65, and column 19, lines 7-31; the user selected camera view is received and sent to storage).

14. In regard to **claim 142**, note Verna discloses the storage of said particular in-play camera view within a memory in said hand held device (column 15, lines 24-65, and column 19, lines 7-31; the user selected camera view is received and sent to storage).

15. In regard to **claim 144**, note Verna discloses that said venue comprises a sporting event (column 4, lines 36-52 and column 5, lines 40-56; the system is operated in a sporting facility, which is considered to include a racetrack).

16. In regard to **claim 145**, note Verna discloses a method for receiving venue-based in-play camera views by a hand held device authorized by at least one security code to receive in-play camera views and adapted to display in-play camera views (column 3, lines 43-60, column 4, lines 36-52, column 21, lines 55-67, and figure 1), said method comprising the steps of receiving in-play camera views provided from at least one in-play camera at a hand held device authorized by at least one security code to receive said in-play camera views (column 21, lines 55-67), processing said in-play camera views for viewing on a display associated with said hand held device authorized by at least one security code to receive said in-play camera views (column 16, lines 20-65), and displaying said processed in-play camera view on a display screen associated with said hand held device, thereby enabling hand held device users to view said in-play

Art Unit: 2622

camera views through said hand held device authorized by at least one security code to receive said in-play camera views (column 16, lines 20-65).

17. In regard to **claim 146**, note Verna discloses recording a particular in-play camera received by said hand held device in response to a user input at said hand held device (column 15, lines 24-65, and column 19, lines 7-31; the user selected camera view is received and sent to storage).

18. In regard to **claim 147**, note Verna discloses storing a particular in-play camera received by said hand held device in response to a user input at said hand held device (column 15, lines 24-65, and column 19, lines 7-31; the user selected camera view is received and sent to storage).

19. In regard to **claim 148**, note Verna discloses storing said particular in-play camera view within storage media in said hand held device (column 15, lines 24-65, and column 19, lines 7-31; the user selected camera view is received and sent to storage).

20. In regard to **claim 150**, note Verna discloses that said venue comprises a sporting event (column 4, lines 36-52 and column 5, lines 40-56; the system is operated in a sporting facility, which is considered to include a racetrack).

21. In regard to **claim 151**, note Verna discloses the use of a system for securely transmitting venue-based in-play camera views to wireless hand held devices authorized to receive and process said venue-based in-play camera views (column 4, lines 18-42 and column 5, lines 14-32), said system comprising transmitter adapted to securely transmit at least one in-play camera view from at least one in-play camera located at an in-play location within a live entertainment venue to wireless hand held

Art Unit: 2622

devices authorized to receive and process venue-based in-play camera views (column 11, lines 18-32), and processor for processing said in-play camera view for secure transmission by said transmitter to wireless hand held devices authorized to receive, process and display venue-based in-play camera views on a display associated with said wireless hand held devices (column 7, lines 8-13, column 12, lines 34-39, and column 16, lines 20-65).

22. In regard to **claim 152**, note Verna discloses the use of wireless hand held devices located within said entertainment venue and adapted to securely receive at least one in-play camera view transmitted by said transmitter (column 14, lines 24-32, and column 16, lines 59-65) and to process said at least one in-play camera view for display on at least one display associated with said wireless hand held devices (column 16, lines 16-65).

23. In regard to **claim 153**, note Verna discloses the use of a recorder for recording a particular in-play camera view transmitted by said transmitter and received by said wireless hand held devices in response to a user input at said wireless hand held devices (column 15, lines 24-65, and column 19, lines 7-31; the user selected camera view is received and sent to storage).

24. In regard to **claim 154**, note Verna discloses the use of a storage media for storing a particular in-play camera view transmitted by said transmitter and received by said wireless hand held devices in response to a user input at said wireless hand held devices (column 15, lines 24-65, and column 19, lines 7-31; the user selected camera view is received and sent to storage).

Art Unit: 2622

25. In regard to **claim 155**, note Verna discloses that said storage media further comprises a memory location (column 15, lines 24-65, and column 19, lines 7-31; the user selected camera view is received and sent to storage).

26. In regard to **claim 157**, note Verna discloses that said venue comprises a sporting event (column 4, lines 36-52 and column 5, lines 40-56; the system is operated in a sporting facility, which is considered to include a racetrack).

27. In regard to **claim 164**, note Verna discloses the use of a system for securely transmitting entertainment venue-based in-play camera views for display at wireless hand held devices authorized to receive, process and display the entertainment venue-based in-play camera views (column 4, lines 18-42, column 5, lines 14-32, and column 16, lines 59-65), said system comprising enterprise equipment including a processor and transmitter (column 5, lines 34-55, and figure 1; the video signals are sent from each camera to the selection system 140), said enterprise equipment adapted to securely transmit entertainment venue-based in-play camera views captured by at least one in-play camera located at the entertainment venue to wireless hand held devices authorized to receive, process and display said entertainment venue-based in-play camera views (column 11, lines 18-32).

28. In regard to **claim 165**, note Verna discloses that the system further comprises at least one wireless hand held device authorized to receive, process and display the entertainment venue-based in-play camera views and located in said entertainment venue (column 14, lines 24-32, and column 16, line 16 – column 17, line 11), said at least one hand held device including a display for displaying said processed in-play

Art Unit: 2622

camera views (column 16, lines 59-65), a receiver for securely receiving processed in-play camera views (column 14, lines 24-32), and a processor for processing said in-play camera views for display on a display included with said at least one hand held device (column 16, lines 16-25).

29. In regard to **claim 166**, note Verna discloses the use of a storage mechanism for storing a particular in-play camera view transmitted from said at least one in-play camera in response to a user input (column 15, lines 24-65, and column 19, lines 7-31; the user selected camera view is received and sent to storage).

30. In regard to **claim 167**, note Verna discloses that said storage mechanism further comprises a memory location (column 15, lines 24-65, and column 19, lines 7-31; the user selected camera view is received and sent to storage).

31. In regard to **claim 169**, note Verna discloses that said enterprise equipment is located in a sporting facility (column 4, lines 36-52 and column 5, lines 40-56; the system is operated in a sporting facility, which is considered to include a racetrack).

32. In regard to **claim 170**, note Verna discloses the use of a system for receiving entertainment venue-based in-play camera views for display at wireless hand held devices authorized to receive, process and display the entertainment venue-based in-play camera views (column 3, lines 43-60, column 4, lines 36-52, and figure 1), said system comprising a receiver in a wireless hand held device authorized to receive, process and display the entertainment venue-based in-play camera views, said receiver adapted for securely receiving in-play camera views provided from at least one in-play camera located at an entertainment venue (column 16, lines 16-25, and column 21,

Art Unit: 2622

lines 55-67), a processor in said wireless hand held device authorized to receive, process and display the entertainment venue-based in-play camera views, said processor adapted for processing said in-play camera views securely received by said receiver with an authorization code for secure viewing of said in-play camera views on a display associated with said hand held device authorized to receive, process and display the entertainment venue-based in-play camera views (column 16, lines 16-50, and column 21, lines 55-67), and display in said wireless hand held device authorized to receive, process and display the entertainment venue-based in-play camera views, said display adapted for displaying said in-play camera views processed by said processor (column 16, lines 59-65).

33. In regard to **claim 171**, note Verna discloses the use of a recorder adapted to record a particular in-play camera view received by said wireless hand held device in response to a user input (column 15, lines 24-65, and column 19, lines 7-31; the user selected camera view is received and sent to storage).

34. In regard to **claim 172**, note Verna discloses the use of a storage mechanism adapted to store a particular in-play camera view received by said wireless hand held device in response to a user input (column 15, lines 24-65, and column 19, lines 7-31; the user selected camera view is received and sent to storage).

35. In regard to **claim 173**, note Verna discloses that said storage mechanism comprises a memory location (column 15, lines 24-65, and column 19, lines 7-31; the user selected camera view is received and sent to storage).

Art Unit: 2622

36. In regard to **claim 174**, note Verna discloses that said memory location comprises storage media (column 15, lines 24-65, and column 19, lines 7-31; the user selected camera view is received and sent to storage).

38. In regard to **claim 175**, note Verna discloses the use of a live video entertainment system for securely transmitting entertainment venue-based in-play camera views to hand held devices authorized by a security code to receive and process said venue-based in-play camera views for display at the hand held devices (column 3, lines 43-60, column 4, lines 36-52, column 21, lines 55-67, and figure 1), said system comprising at least one in-play camera for capturing at least one in-play camera view from at least one in-play camera (column 4, lines 36-52), a processing means for processing said at least one in-play camera view for secure transmission to at least one wireless hand held device for display on said at least one hand held device (column 7, lines 8-13, column 11, lines 32-36, and column 16, lines 20-65), a wireless transmission means for securely transmitting said at least one in-play camera view to at least one wireless hand held device (column 11, lines 32-36), and at least one wireless hand held device authorized by at least one security code to receive and display said at least one in-play camera view (column 21, line 55 – column 22, line 2).

39. In regard to **claim 158**, note Verna discloses the use of a recorder for recording a particular in-play camera view transmitted from said at least one in-play camera, in response to a user input (column 15, lines 24-65, and column 19, lines 7-31; the user selected camera view is received and sent to storage).

Art Unit: 2622

40. In regard to **claim 159**, note Verna discloses the use of a storage mechanism for storing a particular in-play camera view transmitted from said at least one in-play camera, in response to a user input (column 15, lines 24-65, and column 19, lines 7-31; the user selected camera view is received and sent to storage).

41. In regard to **claim 160**, note Verna discloses that said storage mechanism comprises a memory location (column 15, lines 24-65, and column 19, lines 7-31; the user selected camera view is received and sent to storage).

42. In regard to **claim 161**, note Verna discloses that said memory location further comprises storage media (column 15, lines 24-65, and column 19, lines 7-31; the user selected camera view is received and sent to storage).

43. In regard to **claim 163**, note Verna discloses that said venue comprises a sporting event (column 4, lines 36-52 and column 5, lines 40-56; the system is operated in a sporting facility, which is considered to include a racetrack).

44. **Claim 134 is rejected under 35 U.S.C. 102(e) as being anticipated by Hardacker (US PGPub. 2002/0115454).**

45. In regard to **claim 134**, note Hardacker discloses a method of providing video entertainment comprising the steps of capturing at least one in-play camera view from at least one in-play camera located within a race car competing within a car racing venue for viewing by at least one handheld device located within the racing venue and authorized to receive and process said in-play camera view (paragraphs 0017-0018), processing said at least one in-play camera view for display on a display associated

Art Unit: 2622

with a hand held device authorized to receive and process said at least one in-play camera view and physically located within said racing venue (paragraph 0024), transmitting said at least one in-play camera view to at least one handheld device located within the racing venue and authorized to receive and process said at least one in-play camera view (paragraphs 0017-0018), and displaying said at least one in-play camera view on a display associated with at least one hand held device physically located within said racing venue and authorized to receive, process and display at least one in-play camera view (paragraph 0020).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

46. **Claims 132, 143, 149, 156, 162, and 168 are rejected under 35 U.S.C. 103(a) as being unpatentable over Verna (US Patent 6,681,398).**

47. In regard to **claim 132**, note Verna discloses that the cameras are used to capture video of a sporting event (column 4, lines 36-52 and column 5, lines 40-56; the system is operated in a sporting facility, which is considered to include a racetrack). Therefore, it can be seen that Verna fails to explicitly disclose that said in-play camera location comprises a placement within a race car competing within the racing venue. Official Notice is taken that the concepts and advantages of placing a camera within a

Art Unit: 2622

race car competing within a racing venue are notoriously well known and expected in the art. Therefore, it would have been obvious to one of ordinary skill in the art to place the camera within a race car competing within the racing venue in order to allow the fans to become more involved during the race.

48. In regard to **claim 143**, note Verna discloses that the cameras are used to capture video of a sporting event (column 4, lines 36-52 and column 5, lines 40-56; the system is operated in a sporting facility, which is considered to include a racetrack).

Therefore, it can be seen that Verna fails to explicitly disclose that said in-play camera location comprises a placement within a race car competing within the racing venue.

Official Notice is taken that the concepts and advantages of placing a camera within a race car competing within a racing venue are notoriously well known and expected in the art. Therefore, it would have been obvious to one of ordinary skill in the art to place the camera within a race car competing within the racing venue in order to allow the fans to become more involved during the race.

49. In regard to **claim 149**, note Verna discloses that the cameras are used to capture video of a sporting event (column 4, lines 36-52 and column 5, lines 40-56; the system is operated in a sporting facility, which is considered to include a racetrack).

Therefore, it can be seen that Verna fails to explicitly disclose that said in-play camera location comprises a placement within a race car competing within the racing venue.

Official Notice is taken that the concepts and advantages of placing a camera within a race car competing within a racing venue are notoriously well known and expected in the art. Therefore, it would have been obvious to one of ordinary skill in the art to place

Art Unit: 2622

the camera within a race car competing within the racing venue in order to allow the fans to become more involved during the race.

50. In regard to **claim 156**, note Verna discloses that the cameras are used to capture video of a sporting event (column 4, lines 36-52 and column 5, lines 40-56; the system is operated in a sporting facility, which is considered to include a racetrack).

Therefore, it can be seen that Verna fails to explicitly disclose that said in-play camera location comprises a placement within a race car competing within the racing venue.

Official Notice is taken that the concepts and advantages of placing a camera within a race car competing within a racing venue are notoriously well known and expected in the art. Therefore, it would have been obvious to one of ordinary skill in the art to place the camera within a race car competing within the racing venue in order to allow the fans to become more involved during the race.

51. In regard to **claim 162**, note Verna discloses that the cameras are used to capture video of a sporting event (column 4, lines 36-52 and column 5, lines 40-56; the system is operated in a sporting facility, which is considered to include a racetrack).

Therefore, it can be seen that Verna fails to explicitly disclose that said in-play camera location comprises a placement within a race car competing within the racing venue.

Official Notice is taken that the concepts and advantages of placing a camera within a race car competing within a racing venue are notoriously well known and expected in the art. Therefore, it would have been obvious to one of ordinary skill in the art to place the camera within a race car competing within the racing venue in order to allow the fans to become more involved during the race.

Art Unit: 2622

52. In regard to **claim 168**, note Verna discloses the use of a system for securely transmitting entertainment venue-based in-play camera views for display at wireless hand held devices authorized to receive, process and display the entertainment venue-based in-play camera views, as claimed in claim 167 above. Therefore, it can be seen that the primary reference fails to disclose that said memory location comprises removable storage media. Official Notice is taken that the concepts and advantages of using a removable storage media are notoriously well known and expected in the art. Therefore, it would have been obvious to one of ordinary skill in the art to modify Verna to include the use of a removable storage media in order to allow image data to be transferred from one device to another without having to connect multiple devices, as well as to provide an expandable storage capacity by allowing the user to replace the storage media when it is full.

53. **Claims 135-137 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hardacker (US PGPub. 2002/0115454) in view of Narayanaswami (US Patent 6,657,654).**

54. In regard to **claim 135**, note Hardacker discloses the use of a method of providing video entertainment comprising the steps of capturing at least one in-play camera view from at least one in-play camera located within a race car competing within a car racing venue for viewing by at least one handheld device located within the racing venue and authorized to receive and process said in-play camera view, as claimed in claim 134 above. Therefore, it can be seen that Hardacker fails to disclose the step of

Art Unit: 2622

recording a particular in-play camera view captured by said at least one in-play camera within a hand held device in response to a user input at said hand held device.

In analogous art, Narayanaswami disclose the use of a handheld device that records data that is received from a camera (column 5, lines 45-47). It is commonly known in the art to record a video source in order to allow the user to playback the video at a later time. Therefore, it would have been obvious to one of ordinary skill in the art to modify the Hardacker method to include the step of recording a particular in-play camera view captured by said at least one in-play camera within a hand held device in response to a user input at said hand held device in order allow the user to replay the video at a later time.

55. In regard to **claim 136**, note Hardacker discloses the use of a method of providing video entertainment comprising the steps of capturing at least one in-play camera view from at least one in-play camera located within a race car competing within a car racing venue for viewing by at least one handheld device located within the racing venue and authorized to receive and process said in-play camera view, as claimed in claim 134 above. Therefore, it can be seen that Hardacker fails to disclose the step of storing a particular in-play camera view captured by said at least one in-play camera by a hand held device in response to a user input at said hand held device.

In analogous art, Narayanaswami disclose the use of a handheld device that records data that is received from a camera (column 5, lines 45-47). It is commonly known in the art to record a video source in order to allow the user to playback the video at a later time. Therefore, it would have been obvious to one of ordinary skill in the art to

Art Unit: 2622

modify the Hardacker method to include the step of storing a particular in-play camera view captured by said at least one in-play camera by a hand held device in response to a user input at said hand held device in order allow the user to replay the video at a later time.

56. In regard to **claim 137**, note Narayanaswami discloses that the step of storing a particular in-play camera view transmitted from said at least one in-play camera further comprises the step of storing said particular in-play camera view within a memory in said hand held device (column 5, lines 45-47; the camera view is stored in memory 210).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 2001/0042105 A1: note the use of a camera located within a race car competing within a racing venue in order to allow the fans to become more involved.

US006169568B1: note the use of a video distribution system.

US005946635A: note the use of the storage of authorization information.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISS S. YODER III whose telephone number is (571)272-7323. The examiner can normally be reached on M-F: 8 - 4:30.

Art Unit: 2622

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on (571) 272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. S. Y./
Examiner, Art Unit 2622

/Lin Ye/
Supervisory Patent Examiner, Art Unit 2622